

Message Text

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PAGE 01 USUN N 01206 01 OF 03 040023Z
ACTION IO-14

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INFO AMEMBASSY VIENNA

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VIENNA FOR UNIDO

E.O. 11652:N/A
TAGS: EGEN, ECOSOC, UNIDO
SUBJECT: CONSTITUTION FOR UNIDO AS A SPECIALIZED AGENCY:
STATUS OF TEXT AT END OF PLENIPOTENTIARIES CONFERENCE.

REF: A) USUN 960 B) USUN 841 C) REPORT OF FINAL MEETING
OF INTERGOVERNMENTAL COMMITTEE OF THE WHOLE, CONTAINED
IN DOCUMENT A/AC.180/12 (VIENNA) OR A/CONF.90/3 (NEW YORK)
D) GROUP B "NON-PAPER" DATATAXED NORRIS IO/DHP, MARCH 9.

THE FOLLOWING DESCRIBES THE STATUS OF VARIOUS ARTICLES
OF THE DRAFT CONSTITUTION OF UNIDO RESULTING FROM THE
NEGOTIATIONS DISCUSSED REF A AND PREVIOUS, AND KEYED TO
REF C. PLEASE CHECK ADDENDUM FOR ADDITIONS OR CORRECT-
IONS.

PREAMBLE: PARA (2) GROUP B AND G-77 AGREE TO OMIT
BRACKETED LANGUAGE.

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PAGE 02 USUN N 01206 01 OF 03 040023Z

PARA (3) G-77 AGREED TO GROUP B TEXT, BUT WITH CHANGE TO
"THE NIEO" IN CAPITAL LETTERS AND INSERTION OF PHRASE
"IN THE CERDS." GROUP B DID NOT ACCEPT, ALTHOUGH G-77
OFFER MEETS U.S. "BOTTOM LINE" SUGGESTED REF B PARA 3.

PARA (5) SAME AS PARA (2).

PARA (7) G-77 PROPOSED ACCEPTANCE OF PHRASE SUGGESTED BY CHINA (CRP.5,CORR.1) AT BEGINNING OF PARA "IT IS THE SOVEREIGN RIGHT OF ALL COUNTRIES TO ACHIEVE THEIR INDUSTRIALIZATION, AND ANY PROCESS OF SUCH INDUSTRIALIZATION..." GROUP B ALSO INDICATED WILLINGNESS TO ACCEPT. PARA (9): GROUP B AND G-77 AGREED ON DELETION "IN PRINCIPLE" OF BRACKETED LANGUAGE PROPOSED BY GROUP D BUT BOTH AGREED TO CONSIDER AT A LATER STAGE WHETHER SUCH LANGUAGE COULD BE INCLUDED IN THIS SOLE INSTANCE.

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PARA (10) GROUP B PROPOSED DELETION: G-77 RESERVED POSITION AT LAST INFORMAL NEGOTIATING GROUP (NG), BUT G-77 SPOKESMAN HALL HAD PRIVATELY INDICATED TO MOLTRECHT, GROUP B SPOKESMAN WILLINGNESS OF G-77 TO DROP.

CONSTITUTION PROPER

ARTICLE ONE: GROU B PRESSED FOR ITS VIENNA TEXT (BRACKETED) BUT KEPT OPEN POSSIBILITY OF "SOME RE-DRAFTING" (PRIVATELY, MOLTRECHT INDICATED TO HALL POSSIBLE WILLINGNESS TO DROP "AND EQUITABLE" WHILE RETAINING SMALL LETTERS FOR NIEO. INNORMALLY, AND ON A "PERSONAL" BASIS, INDIAN AND PAKISTANS REPS SUGGESTED TO U.S. REP ON MARCH 11 THAT G-77 MIGHT BE WILLING TO ACCEPT "ANY LANGUAGE U.S. COULD PROPOSE" WHICH WOULD ALLOW USE OF CAPITAL LETTERS FOR NIEO OR, ALTERNATIVELY, "THE NIEO" LIMITED OFFICIAL USE

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PAGE 03 USUN N 01206 01 OF 03 040023Z

IN SMALL LETTERS.

ARTICLE TWO - CHAPEAU (LINK)

G-77 SPOKESMAN PROPOSED PRIVATELY TO MOLTRECHT "IN FULL-FILLMENT OF THE PRINCIPLES AND OBJECTIVES SET FORTH IN ARTICLE ONE", BUT GROUP B REFUSED "PRINCIPLES". G-77 THEN WENT ON RECORD IN LAST NG MEETING AS FAVORING "IN FULFILLMENT OF THE FOREGOING, WHICH RETAINS LINK TO PREAMBLE. (N) GROUP B AND G-77 AGREED ON DELETION (T) SIMILAR TO POSITION OF CHAPEAU, G-77 PROPOSED PRIVATELY "TO IMPLEMENT THE PRINCIPLES AND OBJECTIVES SET FORTH IN ARTICLE ONE". GROUP B AGAIN REFUSED "PRINCIPLES". G-77 THEN FORMALLY PROPOSED IN LAST NG "SET FORTH IN THIS CONSTITUTION" WHICH RETAINS LINK.

ARTICLE FIVE - G-77 REFUSED FRENCH PROPOSAL (SUPPORTED BY SWISS AND CANADIANS) FOR CHANGE IN PARA 1 AND 2 (CRP 6).

ARTICLE NINE - PARA 1 - GROUP B MAINTAINED INSISTANCE ON 50-30-15-5. G-77 PROPOSED BOARD OF 53-33-15-5 (STILL WITHING U.S. "BOTTOM LINE", REFTTEL PARA 2A) G-77 SUPPORTED GROUP D PROPOSAL TO SUBSTITUTE "ON THE BASIS OF

EQUITABLE GEOGRAPHIC DISTRIBUTION" FOR"WHICH SHALL GIVE
DUE REGARD TO THE PRINCIPLE OF..." BUT OFFER TO WITHDRAW
THIS SUPPORT IF GROUP B WOULD ACCEPT G-77 POSITION ON
COMPOSITION OF IDB. PARA 4(A) G-77 AGREED WITH GROUP B
IN REFUSING BRACKETED LANGUAGE PROPOSED BY GROUP D.
PARA 4 (E) G-77 ACCEPTED GROUP B TEXT "CONFERENCE"
GROUP B CONCEDED PRINCIPLE OF "PRESENT AND VOTING" HERE
AND ELSEWHERE, EXCEPT IN CONTEXT "ANNEX X" BELOW. ACTUAL
LANGUAGE TO INSURE THIS PRINCIPLE TO BE WORKED
OUT WITH LEGAL SECRETARIAT.
ARTICLE TEN - G-77 SAID IT WOULD ACCEPT GROUP B PROPOSAL
TO STICK TO VIENNA FORMULA AND TO ADD AN APPROPRIATE
SENTENCE RE DESIRED PROFESSIONAL COMPETANCE OF GOVERNMENT
REPS TO PBC IF 77'S FORMULA FOR ARTICLE 9 ACCEPTED.
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PAGE 04 USUN N 01206 01 OF 03 040023Z

ARTICLE ELEVEN - AN IMPASSE REMAINS HERE WITH GROUP B
AND G-77 HOLDING TO RESPECTIVE VIENNA POSITIONS.

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PAGE 01 USUN N 01206 02 OF 03 040035Z
ACTION IO-14

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VIENNA FOR UNIDO

ARTICLE THIRTEEN - ANNEX II - G-77 HAD PRIVATELY EXPRESSED WILLINGNESS TO ACCOMADATE GROUP D BY MOVING TEXT OF ANNEXII INTO SOME FORM OF "BINDING AGREEMENT" OUTSIDE OF CONSTITUTION, WHICH GROUP B REJECTED. AT FINAL NG, G-77 ACCEPTED GROUP B POSITION. IN PARA (B) OF ANNEX II, G-77 PREFERRED "NOT LESS THAN 6 PERCENT" BUT ACCEPTED GROUP B OFFER" IN THE AMOUNT OF 6 PERCENT". G-77 REFUSED INCORPORATION OF GROUP B LANGUAGE (PROPOSED BY U.S.) ON UNDP BUT OFFERED TO EXPLORE WITH U.S. POSSIBILITY OF INCORPORATING UNDP LANGUAGE INTO A DRAFT RESOLUTION TO BE RECOMMENDED TO FIRST GENERAL CONFERENCE FOR CONSIDERATION. U.S. DEL DID NOT FURTHER PURSUE THIS QUESTION WITH HALL SO AS NOT TO UNDERCUT POSITION IT HAD MAINTAINED STRONGLY IN GROUP B IN FAVOR OF RETENTION OF REFERENCE TO UNDP IN ANNEX II.

ARTICLE FOURTEEN - BASIC TEXT HERE IN GROUP B NON-PAPER ON WHICH POSITIONS AS FOLLOWS: PARA 1. GROUP B AND G-77 AGREED ON THE FOLLOWING TEXT, "THE DIRECTOR-GENERAL SHALL LIMITED OFFICIAL USE

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PAGE 02 USUN N 01206 02 OF 03 040035Z

PREPARE AND SUBMIT TO THE BOARD THROUGH THE PROGRAMME AND BUDGET COMMITTEE, AT A TIME SPECIFIED IN THE FINANCIAL REGULATIONS, A DRAFT PROGRAMME OF WORK FOR THE FOLLOWING FISCAL PERIOD, TOGETHER WITH THE CORRESPONDING ESTIMATES FOR THOSE ACTIVITIES TO BE FINANCED FROM THE REGULAR BUDGET. THE DIRECTOR-GENERAL SHALL, AT THE SAME TIME, SUBMIT PROPOSALS AND FINANCIAL ESTIMATES FOR THOSE ACTIVITIES TO BE FINANCED FROM VOLUNTARY CONTRIBUTIONS TO THE ORGANIZATION." PARA 2. GROUP B AND G-77 AGREED TO THE FOLLOWING TEXT, WHICH IS BASED ON G-77 PROPOSAL (CRP13) "THE PROGRAMME AND BUDGET COMMITTEE SHALL CONSIDER THE PROPOSALS OF THE DIRECTOR-GENERAL AND SUBMIT TO THE BOARD ITS RECOMMENDATIONS ON THE PROPOSED PROGRAMME OF WORK AND CORRESPONDING ESTIMATES FOR THE REGULAR BUDGET AND THE OPERATIONAL BUDGET. SUCH PROPOSALS SHALL REQUIRE A TWO-THIRDS MAJORITY INMEMBERS PRESENT AND VOTING."

PARA 3. GROUP B AND G-77 AGREED ON THE FOLLOWING TEXT: "3. THE BOARD SHALL EXAMINE THE PROPOSALS OF THE DIRECTOR-GENERAL AND THE RECOMMENDATIONS OF THE PROGRAMME AND BUDGET COMMITTEE AND ADOPT THE PROGRAMME OF WORK, THE REGULAR BUDGET AND THE OPERATIONAL BUDGET WITH SUCH MODIFICATIONS AS IT DEEMS NECESSARY FOR SUBMISSION TO THE CONFERENCE FOR CONSIDERATION AND APPROVAL. SUCH ADOPTION SHALL REQUIRE A TWO-THIRDS MAJORITY OF THOSE PRESENT AND VOTING." PARA 4(A) G-77 ACCEPTED GROUP B TEXT (REF D) AS FOLLOWS: "THE CONFERENCE SHALL CONSIDER AND APPROVE THE PROGRAMME OF WORK AND THE CORRESPONDING

REGULAR BUDGET AND OPERATIONAL BUDGET SUBMITTED TO IT BY THE BOARD, BY A TWO-THIRDS MAJORITY OF THOSE PRESENT AND VOTING". PARA 4(B) G-77 ACCEPTED THE FOLLOWING GROUP B PROPOSAL, TO AMEND A TEXT PROPOSED BY G-77. LIMITED OFFICIAL USE

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PAGE 03 USUN N 01206 02 OF 03 040035Z

"THE CONFERENCE MAY MAKE SUCH AMENDMENTS AS IT DEEMS NECESSARY IN THE PROGRAM OF WORK, REGULAR BUDGET AND IN THE OPERATIONAL BUDGET SUBMITTED BY THE BOARD, IN ACCORDANCE WITH ANNEX "X". NOTE:"AMENDMENTS SUBSTITUTES FOR "MODIFICATIONS AND FOR ADDITIONS". PARA 5 AGREEMENT AS IN VIENNA TEXT.

ANNEX "X" - G-77 COMMENTS IN N.G. IMPLIED WILLINGNESS TO ACCEPT THE FOLLOWING, PROVIDED GROUP B CONCURRED IN TWO-THIRDS PRESENT AND VOTING FORMULA: "NO RESOLUTION, DECISION, OR AMENDMENT INVOLVING EXPENDITURE WHICH HAS NOT ALREADY BEEN CONSIDERED IN ACCORDANCE WITH PARAS 2 AND 3 OF ARTICLE 14 SHALL BE APPROVED BY THE CONFERENCE UNLESS THEY ARE ACCOMPANIED BY AN ESTIMATE OF EXPENDITURES PREPARED BY THE DIRECTOR-GENERAL. NO RESOLUTION, DECISION, OR AMENDMENT IN RESPECT OF WHICH EXPENDITURES ARE ANTICIPATED BY THE DIRECTOR-GENERAL SHALL BE VOTED BY THE CONFERENCE UNLESS THE PROGRAM AND BUDGET COMMITTEE, AND SUBSEQUENTLY THE BOARD, MEETING CONCURRENTLY WITH THE CONFERENCE HAVE HAD AN OPPORTUNITY (APPLYING AS FAR AS APPROPRIATE ARTICLE 14, PARA 2 AND 3), OF GIVING THEIR OPINION AND STATING THE EFFORT OF THE PROPOSAL UPON THE PROGRAMME OF WORK AND BUDGET ESTIMATES; SUCH OPINIONS SHOULD BE SUBMITTED TO THE CONFERENCE IN TIME TO ENABLE THE CONFERENCE TO TAKE THE APPROPRIATE DECISIONS. THE APPROVAL OF SUCH RESOLUTION, DECISIONS AND AMENDMENTS SHALL REQUIRE A TWO-THIRDS MAJORITY OF THE MEMBERS PRESENT AND VOTING." THE KEY TO THE TEXT IS THE PRINCIPLE OF "PRESENT AND VOTING", WITHOUT WHICH, AS G-77 RECOGNIZES THE CONFERENCE HAS NO REAL POSSIBILITIES OF OVERTURNING A DECISION IN THE BOARD SUPPORTED BY INDUSTRIALIZED COUNTRIES IN GROUP B AND D. LANGUAGE IN PARENTHESES TO BE WORKED OUT. GROUP B SPOKESMAN HAS INDICATED PRIVATELY ITS "WILLINGNESS TO CONSIDER" PRESENT AND VOTING IF OTHERWISE SATISFACTORY AGREEMENT REACHED. PUBLICLY GROUP B RESERVED ITS LIMITED OFFICIAL USE

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PAGE 04 USUN N 01206 02 OF 03 040035Z

POSITION BUT SAID DOOR WAS NOT CLOSED. ACCEPTANCE OF PRINCIPLE OF PRIMACY OF CONFERENCE AND GIVING TO A REAL

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PAGE 01 USUN N 01206 03 OF 03 040035Z
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(IF REMOTE) CAPACITY TO MAKE BUDGETARY DECISIONS IN
DEFIANCE OF PBC AND BOARD REPRESENTS A MAJOR CONCESSION
OF GROUP B IN THIS CONFERENCE.

ARTICLE 15 - "PRESENT AND VOTING" PRINCIPLE APPLIES HERE

ARTICLE 22 - MOLTRECHT (B) NOTED "SOME MEMBERS OF GROUP
B" (I.E. FRANCE AND ITALY) DESIRE TO DROP PARA 2, BUT
FAILED TO NOTE WISH OF U.S., U.K. AND OTHER TO RETAIN.
G-77 ACCEPTED DELETION. NOTE: FORMAL PROPOSAL FOR
DELETION WAS MADE BY FRANCE AND VENEZUELA SO G-77 IS
SUPPORTING ITS OWN MEMBER. PROPONENTS OF PARA 2 DID NOT
HAVE TIME TO PRESENT THEIR CASE BUT COULD IN A RESUMED
NEGOTIATION.

ARTICLE 23 - G- 77 AGREED TO "SHOPPING LIST" INTACT.
PARA 3(A) GROUP B AGREED
TO TWO-THIRDS OF ALL MEMBERS OF BOARD PARA 3(C) INFORM-
ALLY, G-77 INDICATED WILLINGNESS TO ACCEPT THREE-FOURTHS
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PAGE 02 USUN N 01206 03 OF 03 040035Z

MAJORITY, BUT IN LAST NG, THEY HELD OUT FOR TWO-THIRDS.

ARTICLE 27 - FRANCE STILL HOLDING OUT AGAINST TEXT IN
BRACKETS, BUT WILL YIELDS IF GIVEN SATISFACTION ON
ARTICLE 22 PARA 2. QUESTION STILL OPEN.

ANNEX I - GROUP B ACCEPTED TEXT PROPOSED BY SECRETARIAT
(CRP.1) WHICH WOULD INCORPORATE CURRENT REGIONAL
GROUP LISTS IN TEXT AND PERMIT THEM TO BE AMENDED TO
CONFORM TO UNGA DECISIONS PRIOR TO ENTRY INTO FORCE OF
NEW CONSTITUTION. G-77 RESERVED POSITION ON THIS
"TECHNICAL QUESTIONS" PENDING FURTHER CONSIDERATION.

APPENDIX 2., RESOLUTION 3. AT JAPANESE INITIATIVE
SEVERAL GROUP B COUNTRIES INCLUDING U.S. JOINED FORCES
TO PREPARE INTERPRETATIVE STATEMENT FOR THE RECORD TO
CLARIFY LIMITED NATURE OF PROPOSED BORROWING AUTHORITY.
G-77 TOOK NOTE OF THIS INTENTION.

APPENDIX 3. GROUP B AND G-77 AGREE TO REJECT GROUP D
LANGUAGE CONTAINED IN PARA 6

ADDENDUM (CORRECTION): ANNEX "X" - SENTENCE FOLLOWIN
FOLLOWING QUOTATION OF POSSIBLE TEXT SHOULD READ "THE
KEY TO THE TEXT IS THE PRINCIPLE OF "PRESENT AND VOTING",
WITHOUT WHICH AS G-77 RECOGNIZES, THE GENERAL CONFERENCE
HAS NO REAL POSSIBILITY OF OVERCOMING THE ABILITY OF
GROUP B AND D TO BLOCK ANY NEW PROPOSALS IN THE CON-
CURRENT MEETINGS THE PBC AND BOARD." THE CONTINUE WITH
"LANGUAGE IN PARENTHESIS...ETC." LEONARD

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